


Administrative Office of the Courts

Chief Justice Richard C. Howe
Chairman, Utah Judicial Council

MEMORANDUM

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator

To: Julia D'Alesandro, Audit Department
From:  Brent Johnson, General Counsel
Re: Surcharges and Signed Judgments
Date: May 15, 2001

This memorandum is in response to your e-mail of May 10, 2001 posing a question about the applicability of the surcharge statute to local ordinances, and posing a question about signed judgments in courts not of record.

The surcharge statute at Utah Code Ann. § 63-63a-1 requires a surcharge to be paid on "all criminal fines, penalties, and forfeitures imposed by the courts." The only relevant exception is that a surcharge is not imposed on nonmoving traffic violations. There is nothing in the statute which exempts infractions, and surcharges on "county or municipal ordinances" is specifically mentioned. There is very little to analyze here. The statute fairly clearly requires a surcharge to be imposed on all criminal offenses, including local ordinances, except for nonmoving traffic violations. Infractions are criminal offenses and therefore the surcharge applies. The Uniform Fine and Bail Schedule contains several infractions on which the surcharge is imposed. This should be a fairly clear-cut issue.

On the second issue, although signed judgments are definitely preferred there are not any statutes which specifically require a signed judgment. A criminal judgment and sentence are valid from the time that these are imposed, even if they are never reduced to writing. The practice of actually signing a judgment varies from court-to-court. You may even find district courts which do not regularly sign criminal judgments. If a defendant wishes to appeal his or her case, and a judgment has not been previously signed, the person can present a judgment for signature which would then begin running the time for appeal. It makes things a lot easier for all parties involved if the court signs a judgment from the beginning, and this is a fact which could be mentioned in your audits, but there is nothing to point to in statute or rule to specifically require these documents.

If you have any questions about either of these issues, please feel free to let me know.

**The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.**